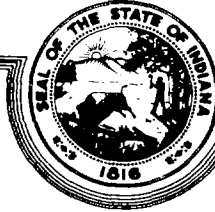


# STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, ROOM E306



INDIANAPOLIS, 46204

**FILED**

**SEP 20 2000**

INDIANA UTILITY  
REGULATORY COMMISSION  
**CAUSE NO. 41657**

IN THE MATTER OF THE PETITION OF INDIANA )  
BELL TELEPHONE COMPANY, INCORPORATED, )  
D/B/A AMERITECH INDIANA PURSUANT TO )  
I.C. 8-1-2-61 FOR A THREE-PHASE PROCESS )  
FOR COMMISSION REVIEW OF VARIOUS )  
SUBMISSIONS OF AMERITECH INDIANA TO )  
SHOW COMPLIANCE WITH SECTION 271(C) OF )  
THE TELECOMMUNICATIONS ACT OF 1996 )

You are hereby notified that on this date, the Indiana Utility Regulatory Commission has caused the following entry to be made:

On August 29, 2000, the Commission issued an Order in this Cause. The Order asked the Parties to clarify paragraph 8 of the Joint Report submitted to the Commission on July 28, 2000 regarding the parameters of LSOG#4 testing and GUI development. The Order directed the parties to develop a response at the September 6, 2000 collaborative and further directed Mr. Kern to submit the parties' response to the Commission by September 8, 2000. The Order also directed the parties to discuss entrance and exit criteria at the September 6, 2000 collaborative and Mr. Kern was directed to submit a summary of the parties' recommendations by September 8, 2000.

In conformance with the directives previously outlined for Mr. Kern, he submitted a Request for an Extension of Time to address these issues. He outlined the discussions that took place at the September 6 collaborative and requested an extension of time until September 22, 2000 to file a report on the LSOG#4 and GUI issue. It is our understanding that further discussions on this issue have resulted in agreement on this issue. With regard to the entrance and exit criteria, Mr. Kern stated that it was the consensus of the collaborative that these items should be discussed within the context of the MTP development and therefore requested an extension of time for filing such report until the collaborative submits a MTP to the Commission.

The presiding officers now find that said extensions should be granted.

Mr. Kern also requested clarification of Paragraph 9 of the Commission's August 29, 2000 Order regarding vendor roles and responsibilities. He outlined the differing interpretations that were discussed at the September 6 meeting. The Order invited the collaborative to provide additional information and asked specific questions on the issue of vendor roles and responsibilities. The Order did not specifically reject what was

contained in the Joint Report. The Commission found that paragraph 4 of the Joint Report was insufficient on which to make a finding of rejection or acceptance. The Order is clear that the Commission believes this issue to be very important and that it desires answers to the questions contained therein. The presiding officers are concerned that the importation of developments in other states may lead to agreements in Indiana without full participation and deliberation of Indiana-specific issues.

As we have stated many times, we are committed to the collaborative process and take this opportunity to reiterate that commitment. However, when the Commission seeks clarification or formulates questions regarding documents that the collaborative has distributed, it is imperative that our questions are discussed by the collaborative. We did not intend for our questions contained in the August 29, 2000 Order to mandate an entire session but rather that the issues be discussed and answered as the collaborative proceeds to the MTP.

Although we would have preferred that the questions in the Order on vendor roles and responsibilities be discussed so we could be aware of each party's position or a collaborative consensus, we believe it would be more expeditious to express our preference at this point. Our August 29, 2000 Order was based on the information contained in the July 28, 2000 Joint Report. Since then we have been informed that the vendor roles and responsibilities are in the current draft of the Indiana MTP. Mr. Kem's e-mail stated that these are exactly the vendor roles and responsibilities that are contained in the Michigan MTP. After reviewing the language in the Michigan MTP and the draft Indiana MTP, we still are unable to ascertain the individual roles and responsibilities for the test manager and Pseudo-CLEC.

That language appears to state that a "vendor" (presumably HP) would be under the direction of the test manager. Our August 29, 2000 Order clearly states that HP would work under a separate contract and that HP would take its sole direction from the Commission. Therefore, there are already distinctions which need to be made in this area.

Given the information that has been gathered thus far, we believe it is more appropriate for the P-CLEC to have an expansive role and thereby "live the CLEC experience." However, if the consensus of the collaborative is that something less than "living the experience" is appropriate, we need to be made aware of that as soon as possible.

We also find it appropriate to make additional observations and provide guidance to the collaborative. It is our understanding that a collaborative session is scheduled for October 11 and 12, 2000 for the purposes of presentation and discussion of performance penalty plans. However, it is the desire of the presiding officers along with other Commissioners to attend the session when parties make their presentations of penalty plans. The presiding officers are also concerned that a collaborative for the discussion of the Indiana MTP has not been scheduled. Therefore, the October 11 and 12, 2000 collaborative session should be used for purposes of discussion of the Indiana

MTP. Further, the presentation of penalty plans should be scheduled for October 26, 2000, at 9:00 a.m. in Room TC10, Indiana Government Center South, Indianapolis, Indiana. The session will be noticed as required by law so any or all Commissioners can attend. Further, we find that any party desiring to make a presentation of a performance penalty plan should submit a copy of its presentation at least three (3) days before the scheduled session.

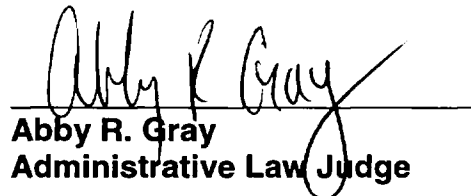
We are also concerned that Indiana specific issues are not being developed sufficiently. We specifically find that issues unique to the state of Indiana should be identified and fully explored by the Indiana collaborative. In this regard, we direct Mr. Kern to encourage full exploration of Indiana-specific issues. Further, in order to afford opportunities for preparation prior to the collaboratives, we find that Mr. Kern should distribute an agenda three (3) days in advance of any scheduled collaborative. That agenda should include identification and distribution of (to the extent not previously distributed) any documents which will be relied upon for the purposes of discussion. We also find that Mr. Kern should submit a report which includes a summary of each collaborative with clear indication of the collaborative consensus or individual parties' positions and circulate such summary to the collaborative before he submits it to the Commission in order to afford all parties the opportunity to comment on the report.

Finally, we find the Petitions to Intervene on behalf of Z-Tel Communications, Inc. (Z-Tel) and the Association for Local Telecommunication Services' (ALTS) should be granted.

**IT IS SO ORDERED, consistent with the foregoing findings.**



**Camie Swanson-Hull**  
**Commissioner**



**Abby R. Gray**  
**Administrative Law Judge**

**Dated:** 

  
**Joseph M. Sutherland**  
**Executive Secretary**